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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/664,263
	Filing Date	September 16, 2003
	First Named Inventor	Thomas L. CANTOR
	Art Unit	1641
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	8 + 15 REFERENCES	Attorney Docket Number 532212002000

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449 (2 pages, plus duplicate) References (15) Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP David L. Devernore - 50,128
Signature	
Date	January 22, 2004

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PATENT  
Docket No. 532212002000

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Diane Blevins  
Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Thomas L. CANTOR

Serial No.: 10/664,263

Filing Date: September 16, 2003

For: METHODS AND KITS FOR  
MONITORING RESISTANCE TO  
THERAPEUTIC AGENTS

Examiner: Not Yet Assigned

Group Art Unit: 1641

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 532212002000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 22, 2004

Respectfully submitted,

By: 

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<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITE</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 532212002000	Application Number 10/664,263
	Applicant Thomas L. CANTOR	
	Filing Date September 16, 2003	Group Art Unit: 1641
	Mailing Date January 22, 2004	

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	01/2002	20020009740	Kaddurah-Daouk et al.	435	6	
	2.	02/2003	20030040027	Ritter et al.	435	7.21	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	3.	Ben Ghanem et al, Hybridoma 12(5):599-608 (1993)
	4.	Dybedal et al., Blood 86(3):949-57 (1995)
	5.	Eckardt et al., Nephrol. Dial. Transplant 18:865-69 (2003)
	6.	EPOGEN® (Epoetin alfa) (available on the internet at <a href="http://www.renaladvances.com/PDF/EpogenP1.pdf">www.renaladvances.com/PDF/EpogenP1.pdf</a> ) product insert
	7.	Eschbach et al., N. Engl. J. Med. 316:73-78 (1987)
	8.	Goodman et al., Adv. Ren. Replace Ther. 2002 Jul;9(3):200-8
	9.	Hillman, Hematopoietic Agents - Growth Factors, Minerals, and Vitamins, in THE PHARMACOLOGICAL BASIS OF THERAPEUTICS 1312-15 (JG Hardman, et al. eds., 9th ed. 1996)
	10.	Jacobs et al., Nature 313:806 (1985)
	11.	Johnson & Johnson Press Release "Summary of PRCA Case Reports," July 14, 2003 (available at <a href="http://www.jnj.com/news/jnj_news/1021024_095632.htm">www.jnj.com/news/jnj_news/1021024_095632.htm</a> )
	12.	Kifor et al., J. Clin. Endocrinology & Metabolism 88(1):60-72 (2003)
	13.	Lin et al., Proc. Natl. Acad. Sci. USA 82:7580 (1985)
	14.	Parthemore et al., J. Clin. Endocrinol. Metab. 1978 Aug;47(2):284-9
	15.	Ponnappan et al., Hybridoma 19(5):355-61 (2000)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not conformance and not considered. Include a copy of this form with next communication to applicant.

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Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

JAN 26 2004

Docket Number 532212002000

Application Number 10/664,263

Applicant

Thomas L. CANTOR

Filing Date September 16, 2003

Group Art Unit: 1641

Mailing Date January 22, 2004

16.

PROCRT® (Epoetin alfa) (available on the internet at  
healthcareprofessionals.orthobiotech.com/products/procrit/procrit.pdf) product insert

17.

Sawyer et al., Hematol. Oncol. Clinics NA 8:895 (1994)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.